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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR-10-00657 LHK
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING DATE
13 vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
14 LUIS VILLALOBOS-CEBALLOS,)	
)	
15 Defendant.)	
)	

16 **STIPULATION**

17 Defendant Luis Villalobos-Ceballos, by and through Assistant Federal Public Defender
18 Nicholas P. Humy, and the United States, by and through Special Assistant United States
19 Attorney Bradley D. Price, hereby stipulate that, with the Court's approval, the status hearing
20 currently set for Wednesday, November 3, 2010, at 10:00 a.m., shall be continued to Wednesday,
21 December 1, 2010, at 10:00 a.m.

22 The reason for the requested continuance is defense counsel's unavailability due to his
23 medical condition and treatment schedule.

24 The parties agree that the time between November 3, 2010, and December 1, 2010, is
25 excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for continuity of
26 counsel and effective preparation of counsel.

1 IT IS SO STIPULATED.

2 Dated: November 1, 2010

3 _____/s/
4 NICHOLAS P. HUMY
Assistant Federal Public Defender

5 Dated: November 1, 2010

6 _____/s/
7 BRADLEY D. PRICE
Special Assistant United States Attorney

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9 [PROPOSED] **ORDER**

10 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
11 ORDERED that the status hearing shall be continued from Wednesday, November 3, 2010, to
12 Wednesday, December 1, 2010, at 10:00 a.m.

13 THE COURT FINDS that failing to exclude the time between November 3, 2010, and
14 December 1, 2010, would unreasonably deny the defendant's continuity of counsel, and would
15 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into
16 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

17 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
18 between November 3, 2010, and December 1, 2010, from computation under the Speedy Trial
19 Act outweigh the interests of the public and the defendant in a speedy trial.

20 THEREFORE, IT IS HEREBY ORDERED that the time between November 3, 2010, and
21 December 1, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
22 3161(h)(7)(A) and (B)(iv).

23 IT IS SO ORDERED.

24 Dated: 11/3/10

25 _____
Lucy H. Koh
26 The Honorable Lucy H. Koh
United States District Court